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United Nations Forum on Forests

Report of the eighth session (27 April 2007 and 20 April to 1 May 2009)

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions for adoption by the Council

1. The United Nations Forum on Forests recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
Dates and venue for the ninth session of the United Nations Forum on Forests

The Economic and Social Council decides that the ninth session of the United Nations Forum on Forests will be held from 24 January to 4 February 2011 in New York.

Draft decision II
Report of the United Nations Forum on Forests on its eighth session and provisional agenda for its ninth session

The Economic and Social Council:

(a) Takes note of the report of the United Nations Forum on Forests on its eighth session;[1]

(b) Approves the provisional agenda for the ninth session of the Forum as set out below.

Provisional agenda for the ninth session of the United Nations Forum on Forests

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

   Documentation

   Provisional agenda and annotations

3. Assessment of progress made on the implementation of the non-legally binding instrument on all types of forests and towards the achievement of the four global objectives on forests.

   Documentation

   Report of the Secretary-General

4. Regional and subregional inputs.

   Documentation

   Report of the Secretary-General

[1] *Official Records of the Economic and Social Council, 2009, Supplement No. 22* (E/2009/42).

5. Forests for people, livelihoods and poverty eradication:

(a) Community-based forest management;

Documentation

Report of the Secretary-General

(b) Social development and indigenous and other local and forest-dependent communities, including forest land tenure;

Documentation

Report of the Secretary-General

(c) Social and cultural aspects.

Documentation

Report of the Secretary-General

6. International Year of Forests 2011.

Documentation

Report of the Secretary-General

7. Emerging issue.

Documentation

Report of the Secretary-General

8. High-level segment.

Documentation

Report of the Secretary-General

Note on the Collaborative Partnership on Forests

9. Multi-stakeholder dialogue.

Documentation

Note by the Secretariat transmitting discussion papers of major groups

10. Enhanced cooperation and policy and programme coordination, including the provision of further guidance to the Collaborative Partnership on Forests.

Documentation

Report of the Secretary-General

Collaborative Partnership on Forests Framework 2010 and 2011

11. Means of implementation.

Documentation

Report of the Secretary-General

12. Forum trust fund.

Documentation

Note by the Secretariat

13. Other matters.

14. Dates and venue for the tenth session of the Forum.

15. Provisional agenda for the tenth session of the Forum.

16. Adoption of the report of the Forum on its ninth session.

B. Resolution brought to the attention of the Council

2. The following resolution adopted by the United Nations Forum on Forests is brought to the attention of the Council:

Forests in a changing environment, enhanced cooperation and cross-sectoral policy and programme coordination, regional and subregional inputs

The United Nations Forum on Forests,

Recalling the non-legally binding instrument on all types of forests adopted by the United Nations General Assembly, in its resolution 62/98 of 17 December 2007, including its purposes,

Reaffirming the commitment of Member States to the Rio Declaration on Environment and Development, including that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and development policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction and to the common but differentiated responsibilities of countries, as set out in principle 7 of the Rio Declaration on Environment and Development,

Recalling the overall theme of the eighth session of the United Nations Forum on Forests, "Forests in a changing environment", and its related themes on forests and climate change; reversing the loss of forest cover, preventing forest degradation in all types of forests and combating desertification, including in low forest cover countries; and forests and biodiversity conservation, including protected areas, as established in the Forum's multi-year programme of work,

Concerned about the interrelated impacts on forests in many regions of the world of climate change, loss of forest cover, forest degradation, desertification and biodiversity loss, and the associated impacts on over 1.6 billion people who depend on forests for subsistence, livelihood, income and employment, while also recognizing the contribution of forests in addressing climate change, biodiversity conservation and combating desertification,

Recognizing the special needs and requirements of countries with fragile forest ecosystems, including those of low forest cover countries,

Emphasizing that sustainable forest management, as a dynamic and evolving concept, aims to maintain and enhance the economic, social and environmental benefits of all types of forests and, as such, can significantly contribute to addressing climate change, desertification, forest and land degradation, forest biodiversity and soil and water conservation,

Also emphasizing that the non-legally binding instrument on all types of forests offers an integrated framework to implement sustainable forest management and in turn contribute to addressing the interrelated challenges of climate change, forest loss and degradation, and desertification, as well as contribute to the conservation and sustainable use of forest biodiversity, in a coherent, coordinated and cross-sectoral manner at local, national, regional and global levels,

Taking note of the Intergovernmental Panel on Climate Change Fourth Assessment Report and of the recent joint initiatives of the Collaborative Partnership on Forests on forests and climate change, including the Strategic Framework for Forests and Climate Change and the report prepared under the Global Forest Expert Panels initiative by the Expert Panel on Adaptation of Forests to Climate Change,

Recalling relevant decisions and objectives of the United Nations Convention to Combat Desertification, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Commission on Crime Prevention and Criminal Justice recognizing the work of the United Nations Forum on Forests and noting the opportunities for cooperation and coordination provided by the upcoming conferences of the parties to the United Nations Convention to Combat Desertification (September 2009, Buenos Aires), the United Nations Framework Convention on Climate Change (December 2009, Copenhagen) and the Convention on Biological Diversity (October 2010, Nagoya, Japan) and the session of the United Nations Commission on Crime Prevention and Criminal Justice (April 2010, Vienna),

Welcoming regional and subregional initiatives to identify and address the interrelated challenges of forests in a changing environment, as well as the contribution of major groups and other relevant stakeholders in this regard,

1. *Decides*:

(a) To encourage Member States to strengthen the implementation of sustainable forest management in addressing the challenges of forests in a changing environment, including climate change, loss of forest cover, forest degradation, desertification and biodiversity loss, in the context of sustainable development;

(b) Also to encourage Member States to use national forest programmes or other strategies, as appropriate, for sustainable forest management to integrate measures to address climate change, conservation and sustainable use of forest biodiversity, desertification, deforestation, degradation of forest ecosystems and water resources management, and to seek coherence with national development and poverty eradication strategies, as well as with strategies and action plans under the United Nations Convention to Combat Desertification, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change;

(c) Further to encourage Member States to strengthen coordination, in particular among their national focal points for the United Nations Forum on Forests, the Convention on Biological Diversity, the United Nations Convention to Combat Desertification and the United Nations Framework Convention on Climate Change, as well as, where applicable, for other members of the Collaborative Partnership on Forests, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Ramsar Convention on Wetlands to facilitate implementation of sustainable forest management at national and other applicable levels;

(d) To encourage Member States to share their experiences at the ninth session of the Forum in the context of the overall theme "Forests for people, livelihoods and poverty eradication" and the related themes on community-based forest management; social development and indigenous and other local and forest-dependent communities, including forest land tenure; and social and cultural aspects;

(e) To invite Member States, members of the Collaborative Partnership on Forests, the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and regional entities to enhance cooperation on the Forum's cross-cutting issue of forest law enforcement and governance, including combating illicit international trafficking in forest products, as well as sharing of relevant information;

(f) To encourage Member States to promote within the framework of sustainable forest management the conservation and sustainable use of forest biodiversity in all types of forests;

(g) To invite Member States to undertake national forest inventories, covering the economic, social and environmental aspects of sustainable forest management, for example, forest health, biodiversity, forest products and socio-economic and cultural aspects, with a view to enhancing the coherence and timeliness of information on forest resources, taking into account the need to further develop methodologies and the availability of resources, and encourage the international community to provide assistance to build national capacity in this regard;

(h) Also to invite Member States to consider the proposals contained in the Collaborative Partnership on Forests Strategic Framework for Forests and Climate Change and invite the member organizations of the Collaborative Partnership on Forests, consistent with their mandates, to promote the Strategic Framework;

(i) Further to invite Member States to use market-based approaches to develop and promote production and consumption of forest products from sustainably managed forests harvested according to domestic legislation;

2. Also decides:

(a) To underscore the urgency to address the threats and sustainable development challenges posed by climate change, loss of biodiversity and desertification and their interrelation with forests, as well as underscore the role of sustainable forest management, which takes into account the full range of forest goods and services, in addressing these threats and challenges and contributing to poverty eradication;

(b) To invite the governing bodies of member organizations of the Collaborative Partnership on Forests, in particular the conferences of the parties of the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification and the Convention on Biological Diversity, to continue to integrate, as appropriate, the sustainable management of all types of forests into their strategies by:

(i) Considering the non-legally binding instrument on all types of forests which offers an integrated framework to implement sustainable forest management and the four global objectives on forests and to enhance the contribution of forests to the achievement of the internationally agreed development goals, as a means to help ensure coherence and avoid duplication;

(ii) Building on existing and well-established forest-related tools, processes, programmes and activities available at the national, regional and international levels to implement sustainable forest management, for example, national forest programmes; criteria and indicators for sustainable forest management and other related monitoring methodologies and assessment tools; and measures for capacity-building and the transfer of environmentally sound technologies;

(c) To encourage the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and United Nations Environment Programme (UNEP), as members of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, to collaborate with the secretariat of the Forum and other members of the Collaborative Partnership on Forests in promoting sustainable forest management;

(d) To invite member organizations of the Collaborative Partnership on Forests to support, within their capacities, consistent with their mandates and upon request, South-South cooperation initiatives concerning sustainable forest management, including through convening workshops and providing technical assistance, subject to available resources;

(e) To invite regional and subregional organizations and processes, as well as major groups and other forest stakeholders, to provide inputs to the Forum at its ninth session on the theme of "Forests for people, livelihoods and poverty eradication", inter alia, through sharing regional perspectives, approaches and experiences;

(f) To encourage Member States and request the secretariat of the Forum to explore ways to increase the participation of stakeholders and civil society, including indigenous and other local and forest-dependent communities, and other holders of traditional forest-related knowledge in future sessions of the Forum;

3. *Invites* the Collaborative Partnership on Forests:

(a) To provide information on recent developments in the areas of sustainable forest management, climate change, deforestation, land degradation, desertification and biodiversity, including impacts on indigenous and other local and forest-dependent communities, with a focus on the themes of the ninth session of the Forum;

(b) To continue to provide, consistent with its mandate, science-based information relevant to the themes of future sessions of the Forum, through adequate modalities, including the Global Forest Expert Panels, which should continue to include experts from developing countries;

4. *Requests* the secretariat of the Forum:

(a) To explore with the secretariats of the Rio Conventions a format and opportunities for collaboration and cooperation and develop targeted joint activities related to sustainable forest management, the four global objectives on forests and the non-legally binding instrument on all types of forests, including in the context of developments in the United Nations Convention to Combat Desertification, the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the International Year of Biodiversity in 2010 and the International Year of Forests in 2011, and report progress to the Forum at its ninth session;

(b) To explore with members of the Collaborative Partnership on Forests opportunities for collaboration with the secretariats of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Ramsar Convention on Wetlands, in particular, on issues relevant to sustainable forest management, and report on progress to the Forum at its ninth session;

(c) To collaborate with the Food and Agriculture Organization of the United Nations and other members of the Collaborative Partnership on Forests and with the criteria and indicator processes on the application of indicators, taking into consideration the seven thematic elements of sustainable forest management and national priorities and conditions, as applicable, and develop a format, with a view to assisting, upon request, Member States to report to the Forum on progress towards sustainable forest management and on national policies and measures and international cooperation and means of implementation as set forth in the non-legally binding instrument on all types of forests;

(d) To seek participation in the Joint Liaison Group for the Rio Conventions when forest-related matters are discussed, with a view to highlighting and exchanging information on the important potential contribution of the non-legally binding instrument on all types of forests to the achievement of the Group's respective goals and objectives and to enhancing cooperation and coordination in the area of forests;

(e) To further promote and facilitate regional and subregional dialogue and cooperation on forests, including through country-led and region-led initiatives, to enhance regional and subregional contributions to implementation of sustainable forest management and inputs to future sessions of the Forum within the framework of the multi-year programme of work;

(f) To arrange for an interactive panel on the food, energy and economic challenges and opportunities for the implementation of sustainable forest management and the achievement of the global objectives on forests at the ninth session of the Forum, in the context of the overall theme on "Forests for people, livelihoods and poverty eradication";

(g) To seek ways, in consultation with Member States and the Collaborative Partnership on Forests, to raise awareness of the linkages between sustainable forest

management and the situation of women and youth who depend on and use the forest to meet their basic daily needs, including for food, shelter and fuelwood, and to highlight this urgent issue at the ninth session of the Forum in the context of the overall theme on "Forests for people, livelihoods and poverty eradication";

(h) To synthesize, in cooperation with the members of the Collaborative Partnership on Forests, current information on studies and implementation activities related to the recognition of the range of values derived from goods and services provided by all types of forests and trees outside forests, as well as ways to reflect such values in the marketplace taking into account relevant national legislation and policies, and present the result at the tenth session of the Forum in the context of the overall theme on "Forests and economic development";

(i) To develop a strategy, in consultation with Member States, for consideration by the Forum at its ninth session, to promote North-South as well as South-South cooperation, including triangular cooperation, on sustainable forest management, which also identifies options of support by the international community, while noting that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation.

C. Decisions brought to the attention of the Council

The following decisions adopted by the Forum are brought to the attention of the Council:

Decision 8/1
Accreditation of an intergovernmental organization to the United Nations Forum on Forests

The United Nations Forum on Forests decided to accredit the African Forest Forum, an intergovernmental organization, to participate as an observer in its session.

Decision 8/2
Review process of the eighth session of the United Nations Forum on Forests

The United Nations Forum on Forests decides to complete the consideration at its ninth session of agenda item 6, based on the bracketed draft text developed in informal consultations during its eighth session.[2]

[2] As presented on Friday, 1 May 2009. See E/CN.18/2009/WP.1; see also www.un.org/esa/forests.

Chapter II

Achieving the four global objectives on forests and implementing the non-legally binding instrument on all types of forests

1. The Forum considered agenda item 3 at its 2nd and 9th meetings, on 20 April and 1 May 2009. For its consideration of the item, the Forum had before it the report of the Secretary-General on achieving the four global objectives on forests and implementing the non-legally binding instrument on all types of forests (E/CN.18/2009/2).

2. At its 2nd meeting, on 20 April, the Forum considered agenda item 3 and heard an introductory statement by the Director of the secretariat of the Forum.

3. At its 9th meeting, on 1 May, the Forum considered item 3 jointly with item 6, "Means of implementation for sustainable forest management".

Chapter III
Regional and subregional inputs

1. The Forum considered agenda item 4 at its 5th and 9th meetings, on 21 April and 1 May 2009. For its consideration of the item, the Forum had before it the following documents:

(a) Report of the Secretary-General on regional and subregional inputs (E/CN.18/2009/3);

(b) Letter dated 22 December 2007 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General (E/CN.18/2009/14);

(c) Letter dated 9 February 2009 from the Permanent Representatives of South Africa and Switzerland to the United Nations addressed to the Secretary-General (E/CN.18/2009/16);

(d) Letter dated 6 February 2009 from the Permanent Representatives of Australia and Switzerland to the United Nations addressed to the Secretary-General (E/CN.18/2009/18).

2. At its 5th meeting, on 21 April, the Forum heard an introductory statement by the Director of the secretariat of the Forum.

Panel discussion on "Forests in a changing environment"

3. At the same meeting an opening statement was made by the Assistant Director-General of the Food and Agriculture Organization of the United Nations, who moderated the panel.

4. Also at the same meeting, the Forum heard presentations by Christian Küchli (Switzerland); Abdul Wahid Abu Salim, Chairman, Senior Official on Forestry, Association of Southeast Asian Nations; Martin Tadoum, Deputy Executive Secretary, Central Africa Forests Commission; Richard Huber, Principal Environmental Specialist, Department of Sustainable Development, Organization of American States; and Arne Ivar Sletnes, Head of the Liaison Unit, Ministerial Conference on the Protection of Forests in Europe, followed by an interactive dialogue in which the delegations of Jamaica and China participated.

5. At the same meeting, the representatives of the Secretariat of the Pacific Community and the Montreal Process also took part in the discussion.

6. Also at the same meeting, the representative of the Southern African Development Community made a statement.

Action taken by the Forum

Forests in a changing environment, enhanced cooperation and cross-sectoral policy and programme coordination, regional and subregional inputs

7. At its 9th meeting, on 1 May, the Forum had before it a draft resolution entitled "Forests in a changing environment, enhanced cooperation and

cross-sectoral policy and programme coordination, regional and subregional inputs", contained in an informal paper in English only, submitted on the basis of informal consultations held in Working Group I.

8. At the same meeting statements were made by the Vice-Chairmen, Modest Mero (United Republic of Tanzania) and Arvides Ozols (Latvia), in their capacity as Co-Chairmen of Working Group I.

9. Also at the same meeting the Forum adopted the draft resolution (see chap. I, sect. B).

Chapter IV

Forests in a changing environment:

(a) Forests and climate change;

(b) Reversing the loss of forest cover, preventing forest degradation in all types of forests and combating desertification, including in low forest cover countries;

(c) Forests and biodiversity conservation, including protected areas

1. The Forum considered agenda item 5 at its 4th, 6th and 9th meetings, on 21 and 22 April and 1 May 2009. For its consideration of the item, the Forum had before it the following documents:

(a) Report of the Secretary-General on forests and climate change (E/CN.18/2009/4);

(b) Report of the Secretary-General on reversing the loss of forest cover, preventing forest degradation in all types of forests and combating desertification, including in low forest cover countries (E/CN.18/2009/5);

(c) Report of the Secretary-General on forests and biodiversity conservation, including protected areas (E/CN.18/2009/6);

(d) Note by the Secretariat on forests in a changing environment: low forest cover countries, small island developing States and high and medium forest cover countries (E/CN.18/2009/7);

(e) Report of the Secretary-General on recommendations for addressing key challenges of forests in a changing environment (E/CN.18/2009/8).

2. At the 4th meeting, on 21 April, an introductory statement was made by the Director of the secretariat of the United Nations Forum on Forests.

3. At the same meeting, a statement was made by the Chairman of the Collaborative Partnership on Forests Global Forest Expert Panels.

Panel discussion on forests and biodiversity, climate change and desertification

4. At the 4th meeting, on 21 April, an opening statement was made by the Assistant Secretary-General for Economic and Social Affairs, who moderated the panel.

5. At the same meeting, presentations were made by Ahmed Djoghlaf, Executive Secretary, Convention on Biological Diversity; Luc Gnacadja, Executive Secretary, United Nations Convention to Combat Desertification; and Jan Heino, Assistant Director-General, Food and Agriculture Organization of the United Nations, after which there was an interactive dialogue in which the delegations of the Republic of Korea, Mauritania, Suriname, Switzerland, Israel, the Democratic Republic of the Congo, Benin, Senegal, Argentina and the United States of America participated.

6. Also at the same meeting a statement was made by the representative of the Global Environment Facility.

7. At the same meeting, following the conclusion of the panel discussion, the Forum continued its general discussion and heard statements by the representatives of the Czech Republic (on behalf of the European Union), Colombia, Ecuador, Brazil, India and Croatia.

8. At its 6th meeting, on 22 April, statements were made by the representatives of Japan, Indonesia, Chile, the Islamic Republic of Iran, the Democratic Republic of the Congo, Peru, Israel, Saint Lucia, Finland, Kyrgyzstan, Guyana, the Bolivarian Republic of Venezuela and Palau.

Chapter V

Means of implementation for sustainable forest management:

(a) Applying means of implementation, including financial resources, capacity-building and the transfer of environmentally sound technology;

(b) Decision on a voluntary global financial mechanism, a portfolio approach and a forest financing framework

1. The Forum considered agenda item 6 at its 3rd, 8th and 9th meetings, on 20 and 28 April and 1 May 2009. For its consideration of the item, the Forum had before it the following documents:

(a) Report of the Secretary-General on finance and other means of implementation for sustainable forest management (E/CN.18/2009/9);

(b) Chair's summary report of the meeting of the Open-ended Ad Hoc Expert Group to Develop Proposals for the Development of a Voluntary Global Financial Mechanism/Portfolio Approach/Forest Financing Network (E/CN.18/2009/11);

(c) Note verbale dated 6 February 2009 from the Permanent Mission of Suriname to the United Nations addressed to the Secretary-General (E/CN.18/2009/17).

2. At the 3rd meeting, on 20 April, an introductory statement was made by the Director of the secretariat of the United Nations Forum on Forests.

Panel discussion on the financial crisis and sustainable forest management: threat and opportunity

3. At the 3rd meeting on 20 April, the Under-Secretary-General for Economic and Social Affairs, who moderated the panel, made an opening statement.

4. The Forum heard presentations by James Warren Evans, Director, Environment Department, World Bank; Emmanuel Ze Meka, Executive Director, International Tropical Timber Organization; and Russ Mittermeier, President, Conservation International, after which the Forum engaged in an interactive dialogue, in which the delegations of Argentina, Benin, India and Japan participated.

5. At the same meeting, following the conclusion of the panel discussion, the Forum heard statements by the representatives of China, the United States, India, Chad, Pakistan, Cuba, the Islamic Republic of Iran, Argentina, Japan, Chile, Australia, South Africa, the Dominican Republic and New Zealand.

6. At the 8th meeting, on 28 April, a statement was made by the representative of Turkey.

Action taken by the Forum

Review process of the eighth session of the United Nations Forum on Forests

7. At the 9th meeting, on 1 May, an oral draft decision was proposed by the Chairman, whereby the Forum would decide to complete the consideration of item 6 at its next session, based on the bracketed draft text developed in informal consultations during its eighth session, which would be contained in an annex to the decision.

8. At the same meeting, before the adoption of the draft decision, statements were made by the representatives of the Sudan (on behalf of the Group of 77 and China), Brazil, Australia, Japan, the Czech Republic (on behalf of the European Union), Switzerland, New Zealand, the United States, Malaysia (on behalf of the Association of Southeast Asian Nations (ASEAN)) and Algeria (on behalf of the African Group).

9. At the same meeting, the Forum adopted the draft decision (see chapter I, section C, decision 8/2).

Chapter VI
Multi-stakeholder dialogue

1. The Forum considered agenda item 7 at its 6th and 8th meetings, on 22 and 28 April 2009. For its consideration of the item, the Forum had before it the following documents:

(a) Note by the Secretariat on multi-stakeholder dialogue (E/CN.18/2009/13);

(b) Discussion paper submitted by the women major group (E/CN.18/2009/13/Add.1);

(c) Discussion paper contributed by the children and youth major group (E/CN.18/2009/13/Add.2);

(d) Discussion paper contributed by the non governmental organizations and indigenous peoples major group (E/CN.18/2009/13/Add.3);

(e) Discussion paper contributed by the scientific and technological community major group (E/CN.18/2009/13/Add.4);

(f) Discussion paper contributed by the farmers and small forest landowners major group (E/CN.18/2009/13/Add.5).

Interactive discussion among Member States, major groups and members of Collaborative Partnership on Forests

2. The Forum held an interactive discussion among Member States, major groups and members of the Collaborative Partnership on Forests at its 6th and 8th meetings, on 22 and 28 April 2009.

3. At the 6th meeting, an opening statement was made by the Executive Director of the International Union of Forest Research Organizations, who moderated the first part of the interactive discussion.

4. At the same meeting, statements were made by the representatives of the following major groups: women; scientific and technological community; children and youth; non-governmental organizations; indigenous peoples; and farmers and small forest landowners; as well as by the representatives of Grenada, Argentina, the Czech Republic (on behalf of the European Union), Jamaica, Switzerland, the United States, Indonesia and China.

5. At the 8th meeting, on 28 April, a statement was made by the Director of the secretariat of the United Nations Forum on Forests.

6. At the same meeting, the Forum resumed the interactive discussion and a statement was made by the Executive Director of the International Union of Forest Research Organizations, who also moderated the second part of the discussion.

7. Also at the same meeting, a statement was made by the representative of the children and youth major group, on behalf of the major groups.

8. At the same meeting, statements were made by the representatives of the following major groups: women; scientific and technological community; children

and youth; non-governmental organizations; indigenous peoples; and farmers and small forest landowners; as well as by the representatives of Japan, the Dominican Republic, Angola, Peru, the Philippines, Papua New Guinea, Lebanon, Grenada, Yemen, Uruguay, Belarus, Algeria, Mauritania and Fiji.

Panel discussion on Forests, women and fuelwood

9. At the 6th meeting, on 22 April, an opening statement was made by the Special Adviser of the Secretary-General on Gender Issues and Advancement of Women, who moderated the discussion.

10. The Forum heard presentations by Carolyn Makinson, Executive Director, Women's Refugee Commission; Lambert Okrah, Secretary-General, Institute of Cultural Affairs International; Kanchan Lama, Coordinator, Women Organizing for Change in Agriculture and Natural Resources Management, Nepal; and Pieter van Midwoud, Executive Secretary, CarbonFix, after which an interative dialogue took place in which the representatives of Cambodia, the United States and the United Republic of Tanzania participated.

Chapter VII

Enhanced cooperation and policy and programme coordination, including the provision of further guidance to the Collaborative Partnership on Forests

1. The Forum considered agenda item 8 at its 2nd and 9th meetings, on 20 April and 1 May 2009. For its consideration of the item, the Forum had before it the following documents:

(a) Report of the Secretary-General on enhanced cooperation and cross-sectoral policy and programme coordination (E/CN.18/2009/10);

(b) Information document on the Collaborative Partnership on Forests Framework 2008 and 2009 (E/CN.18/2009/12).

2. At its 3rd meeting, on 20 April, an introductory statement was made by the Chairman of the Collaborative Partnership on Forests.

3. At the same meeting, statements were made by the representatives of the Sudan (on behalf of the Group of 77 and China), the Czech Republic (on behalf of the European Union), Papua New Guinea (on behalf of the Pacific Island Countries), Croatia, Angola, Suriname, Nepal, Malaysia (on behalf of the Association of Southeast Asian Nations (ASEAN)), Indonesia, Brazil and Colombia.

Chapter VIII
Forum Trust Fund

1. The Forum considered agenda item 9 at its 9th meeting, on 1 May 2009. For its consideration of the item, the Forum had before it the following document: Note by the Secretariat on the United Nations Trust Fund for the United Nations Forum on Forests (E/CN.18/2009/15).

2. At the 9th meeting, on 1 May 2009, a statement was made by the Director of the Secretariat of the United Nations Forum on Forests.

3. At the same meeting, a statement was made by the representative of Switzerland.

Chapter IX

Dates and venue for the ninth session of the Forum

1. At its 9th meeting, on 1 May 2009, the Forum decided that its ninth session would be held from 24 January to 4 February 2011 (see chapter I, section A, draft decision I).

Chapter X

Provisional agenda for the ninth session of the Forum

1. At its 9th meeting, on 1 May 2009, the Forum had before it the draft provisional agenda for its ninth session, which was contained in an informal paper submitted in English only.

2. At the same meeting, a statement was made by the representative of Brazil, after which the Forum adopted the provisional agenda (see chapter I, section A, draft decision II).

Chapter XI
Adoption of the report of the Forum on its eighth session

1. At its 9th meeting, on 1 May 2009, the Chairman introduced the draft report of the Forum on its eighth session (E/CN.18/2009//L.1).

2. At the same meeting, a statement was made by the representative of Brazil, after which the Forum adopted the draft report and authorized the Secretariat to finalize it with the support of the Bureau.

Chapter XII
Organization of the session

A. Opening and duration of the session

1. The United Nations Forum on Forests held its eighth session at United Nations Headquarters on 27 April 2007 and from 20 April to 1 May 2009. The Forum held nine plenary meetings (1st to 9th).

2. The session was opened by the Under-Secretary-General for Economic and Social Affairs.

B. Attendance

3. The Forum was attended by representatives of States Members of the United Nations and of the specialized agencies. Representatives of organizations of the United Nations system and of intergovernmental, non-governmental and other organizations also attended. The list of participants is contained in document E/CN.18/2009/INF/1.

C. Election of officers

4. At its 1st and 2nd meetings, on 27 April 2007 and 20 April 2009, the Forum elected the following officers for its eighth session:

Chairman:
Boen Purnama (Indonesia)

Vice-Chairmen:
Abdellah Benmellouk (Morocco)
Arvids Ozols (Latvia)
Modesto Fernández (Cuba)
Glen Kile (Australia)

5. At its 7th meeting, on 24 April 2009, the Forum was informed that Abdellah Benmellouk (Morocco) had withdrawn from the position of Vice-Chairman. At the same meeting, Modest Mero (United Republic of Tanzania) was elected by acclamation.

D. Adoption of the agenda

6. At its 2nd meeting, on 20 April, the Forum adopted the following provisional agenda for its eighth session (E/CN.18/2009/1):

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Achieving the four global objectives on forests and implementing the non-legally binding instrument on all types of forests.
4. Regional and subregional inputs.
5. Forests in a changing environment:

(a) Forests and climate change;

(b) Reversing the loss of forest cover, preventing forest degradation in all types of forests and combating desertification, including in low forest cover countries;

(c) Forests and biodiversity conservation, including protected areas.

6. Means of implementation for sustainable forest management:

(a) Applying means of implementation, including financial resources, capacity-building and the transfer of environmentally sound technology;

(b) Decision on a voluntary global financial mechanism, a portfolio approach and a forest financing framework.

7. Multi-stakeholder dialogue.

8. Enhanced cooperation and policy and programme coordination, including the provision of further guidance to the Collaborative Partnership on Forests.

9. The Forum Trust Fund.

10. Dates and venue for the ninth session of the Forum.

11. Provisional agenda for the ninth session of the Forum.

12. Adoption of the report of the Forum on its eighth session.

E. Documentation

7. The list of documents before the Forum at its eighth session is contained in annex I to the present report.

F. Establishment of working groups and designation of their chairmen

8. At its 2nd meeting, on 20 April, the Forum established two working groups that were chaired by the Vice-Chairmen as follows:

(a) Working Group I: Arvids Ozols (Latvia)

(b) Working Group II: Modesto Fernández (Cuba) and Glen Kile (Australia)

9. At its 7th meeting, on 24 April, Modest Mero (United Republic of Tanzania) was designated to serve as Co-Chairman of Working Group I.

G. Accreditation of an intergovernmental organization to the United Nations Forum on Forests

10. At its 2nd meeting, on 20 April 2009, the Forum had before it a request from the African Forest Forum for accreditation as an intergovernmental organization to participate as an observer in the deliberations of the Forum, which was contained in document E/CN.18/2009/19.

11. At the same meeting, the Forum decided to approve the request of the African Forest Forum to participate as an observer in the deliberations of the Forum (see chapter I, section C, decision 8/1).

Annex I

List of documents

Document symbol	*Agenda item*	*Title or description*
E/CN.18/2009/1	2	Provisional agenda and annotations
E/CN.18/2009/2	3	Report of the Secretary-General on achieving the four global objectives on forests and implementing the non-legally binding instrument on all types of forests
E/CN.18/2009/3	4	Report of the Secretary-General on regional and subregional inputs
E/CN.18/2009/4	5 (a)	Report of the Secretary-General on forests and climate change
E/CN.18/2009/5	5 (b)	Report of the Secretary-General on reversing the loss of forest cover, preventing forest degradation in all types of forests and combating desertification, including in low forest cover countries
E/CN.18/2009/6	5 (b)	Report of the Secretary-General on forests and biodiversity conservation, including protected areas
E/CN.18/2009/7	5 (b)	Note by the Secretariat on forests in a changing environment: low forest cover countries, small island developing States and high and medium forest cover countries
E/CN.18/2009/8	5	Report of the Secretary-General on recommendations for addressing key challenges of forests in a changing environment
E/CN.18/2009/9	6	Report of the Secretary-General on finance and other means of implementation for sustainable forest management
E/CN.18/2009/10	8	Report of the Secretary-General on enhanced cooperation and cross-sectoral policy and programme coordination
E/CN.18/2009/11	6	Chair's summary report of the meeting of the Open-ended Ad Hoc Expert Group to Develop Proposals for the Development of a Voluntary Global Financial Mechanism/Portfolio Approach/Forest Financing Network

Document symbol	*Agenda item*	*Title or description*
E/CN.18/2009/12	8	Information document on Collaborative Partnership on Forests Framework 2008 and 2009
E/CN.18/2009/13	7	Note by the Secretariat on the Multi-stakeholder Dialogue
E/CN.18/2009/13/ Add.1	7	Discussion paper submitted by the women major group
E/CN.18/2009/13/ Add.2	7	Discussion paper contributed by the children and youth major group
E/CN.18/2009/13/ Add.3	7	Discussion paper contributed by the non-governmental organizations and indigenous peoples major group
E/CN.18/2009/13/ Add.4	7	Discussion paper contributed by the scientific and technological community major group
E/CN.18/2009/13/ Add.5	7	Discussion paper contributed by the farmers and small forest landowners major group
E/CN.18/2009/14	4	Letter dated 22 December 2008 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General
E/CN.18/2009/15	9	Note by the Secretariat on the United Nations Trust Fund for the United Nations Forum on Forests
E/CN.18//2009/16	4	Letter dated 9 February 2009 from the Permanent Representatives of South Africa and Switzerland to the United Nations addressed to the Secretary-General
E/CN.18/2009/17	6 (b)	Note verbale dated 6 February 2009 from the Permanent Mission of Suriname to the United Nations addressed to the Secretary-General
E/CN.18/2009/18	4	Letter dated 6 February 2009 from the Permanent Representatives of Australia and Switzerland to the United Nations addressed to the Secretary-General
E/CN.18/2009/19	2	Accreditation of an intergovernmental organization to the United Nations Forum on Forests
E/CN.18/2009/INF.1	1	List of participants

Annex II

Chairman's summary of the multi-stakeholder dialogue

1. The multi-stakeholder dialogue[a] at the eighth session of the Forum was held in two parts, on 22 April and on 28 April. It was moderated by Peter Mayer, Executive Director of the International Union of Forest Research Organizations.

Part 1

2. Women stressed that as the primary household decision makers in many parts of the world, they should play an important part in sustainable forest management and in global climate change negotiations. It was emphasized that gender inequalities, magnified by climate change, slowed down progress towards achievement of sustainable development and poverty reduction. Women reminded participants that their major group had been asking, since the fourth session of the Forum, for structural changes to strengthen the role of women and implement a gender strategy within forestry processes, such as the Forum and the Collaborative Partnership on Forests, as well as in forestry organizations and institutions. Women proposed that that could be done through a country led initiative focused on gender issues within the programme of work of the Forum, including the role of women in adaptation for climate change and forest issues. Women also requested a consultative group on gender and forestry; pilot projects through partnerships between Governments and civil society, and with regional and global organizations to prepare scenarios on how climate change funding mechanisms could directly benefit women; and facilitation of women in forest and climate change related meetings. It was also suggested that Governments should comply with their political commitments on gender equality and women's rights; mainstream gender in the Forum; appoint a gender focal point at the secretariat of the Forum; build capacity for gender mainstreaming in forestry institutions at all levels; and integrate gender analysis in climate change issues within agricultural, forestry, mining and disaster management planning. In addition, it was suggested that the forest community should hold a dialogue with food security and poverty alleviation communities. It was also recommended that funding be made available for women to participate in the Forum's decision-making and advocacy processes.

3. The scientific and technological community pointed out that information demands were multiplying as forestry management concerns had expanded to include non-timber objectives such as the preservation of habitats and needs of forest communities. Four key priority areas for action were recommended: enhancing the interface between science and policy in forestry; enhancing the transformation of research outputs into usable information and technologies; aligning national, subregional and regional development priorities with the four global objectives on forests; and mobilizing funding for forestry research, education and extension. It was suggested that future forest arrangements should make resources available to enhance the interface between science and policy; facilitate and finance capacity-building in research and development; support extension and

[a] The major groups participating in the multi-stakeholder dialogue were women, scientific and technological community, children and youth, non-governmental organizations, indigenous peoples, farmers and small forest landowners.

the application of scientific and technological innovations as well as traditional forest-related knowledge; support subregional and regional initiatives/programmes to tackle multi-national, transboundary forest-related problems; and support the establishment of regional forestry information systems to improve access to and utilization of science-based information on forests. The scientific and technological community asked for the financing mechanism to support capacity-building in problem analysis, project formulation, implementation, monitoring and evaluation; harmonization of funding priorities in line with regional, subregional, and national priorities; and simplification of funding applications procedures. Other recommendations included a long-term programme-based commitment to invest in strengthening forest research capacities and support research networks and activities; the mobilization of support from Governments, members of the Collaborative Partnership on Forests and international organizations to assist regional and subregional forest research networks in enhancing forest research capacities; and improvements in the communication/information infrastructure, and networking between forest scientists, research institutions, universities, policymakers, local communities and other forest sector stakeholders.

4. Children and youth pointed out that they had been actively participating in the Forum since 2003 and were pleased that the Forum had reflected the major group's calls for a strong instrument on forests. It was emphasized that capacity-building, good governance and education were important tools in sustainable forest management, and that it was time to put words into action. Sustainable forest management aimed to maintain and enhance the economic, environmental and social value of forests for the benefit of current and future generations, but that required funding, especially in developing countries where the challenges were greatest. Meanwhile, demand for forest resources in developed countries was contributing to deforestation in those countries. In terms of mobilizing resources, the major group considered that the portfolio approach would result in the highest total number of funds available; public funding from developed countries should form part of that portfolio. The financial mechanism should include a system of checks and balances to make the use of the resources more transparent. Children and youth stressed that the United Nations Collaborative Programme on Reduction of Emissions from Deforestation and Degradation in Developing Countries mechanism would not be sufficient to implement the forest instrument as it would not help all forests with important social and environmental values, such as high biodiversity. It was also noted that, while forests could become net sources of carbon under certain climate change scenarios, forests represented a major opportunity for counterbalancing the emissions caused by the ongoing burning of fossil fuels. Since youth in rural areas often suffered the most from forest loss, it was stressed that there was a responsibility to arrive at a strong answer for them and for future generations. Children and youth called for the Forum to agree on effective means of implementation, including finance, with participation of all relevant actors.

5. Non-governmental organizations and indigenous peoples voiced their deep concern on the lack of ability by key actors to curb deforestation and forest degradation. It was felt that there was a lack of recognition of indigenous peoples and local communities based near or in forests on which they depended. Non-governmental organizations pointed out that replacing natural forests and other ecosystems with artificial forests was a direct cause of forest loss and degradation and threatened the last remaining natural forests, and that reforestation activities

should restore the forests' natural attributes based on scientific and traditional knowledge. Concerns were raised on the impact of activities of the Reduction of Emissions from Deforestation and Degradation in Developing Countries related to the rights and governance structures of indigenous people, creation of monocultures and the focus on forests for conservation purposes so that benefits would not accrue to indigenous people and local communities. Non-governmental organizations and indigenous peoples called for action to halt the alarming loss of forests worldwide. It was pointed out those actions should implement the customary rights of indigenous people and local communities, consistent with international human rights and the United Nations Declaration on the Rights of Indigenous Peoples. In particular, those actions should address the underlying causes of deforestation, promote community forest governance that empowered local peoples, support traditional forest-related knowledge, take into account the cultural and spiritual aspects of forests, develop benefit-sharing approaches and establish a financial arrangement accessible to indigenous people and local communities. Non-governmental organizations and indigenous peoples also proposed a forest regime that, inter alia, ensured policy coherence and compliance between legally binding agreements and the non-legally binding instrument on all types of forests; ensured coherence between forest international agreements and forest people's rights; contributed to a more equitable climate regime, taking into account the principle of common but differentiated responsibility; ensured the full and effective participation of indigenous and local communities and women in the development of forest policies as well as projects of the Reduction of Emissions from Deforestation and Degradation in Developing Countries; ensured the equitable participation of indigenous people, local communities and countries that had successfully conserved forests; addressed the underlying causes of forest loss; provided a broad range of incentives to indigenous people and local communities for forest conservation, sustainable use and reforestation without undermining customary governance systems; and recognized and respected historical territorial and use rights of indigenous people and local communities.

6. Farmers and small forest landowners pointed out that their major group represented more than half of the forest area and forest products produced in many countries. It was highlighted that family and community forest owners managed their land for multiple values and objectives. They implemented sustainable forest management in practice at the regional and local levels by integrating wood production, non-timber forest products and biodiversity conservation in their day-to-day work with the forests. It was also stressed that deforestation and forest degradation was often caused by poverty and forces outside the forest sector. It was believed that the long-term solution for sustainable forest management was to base forest management on local people, building capacity of family and community forestry by securing property rights, land tenure rights and the long-term viability of forests. Farmers and small forest landowners said that programmes related to the Reduction of Emissions from Deforestation and Degradation in Developing Countries concentrated on the carbon aspects of forests which were only one part of the broader concept of sustainable forest management. It was pointed out that family and community forest owners had proved their ability to protect their forests and associated carbon stocks, and that it would require a simple mechanism to reward private and community forestry for those services. It was, therefore, seen as crucial that political tools to enhance the implementation of sustainable forest management

fully take into account the role of farmers and small forest landowners and build on existing organizations and local networks and communities.

7. In the interventions that followed, delegations welcomed the comments from the major groups, encouraged their continued involvement and offered particular congratulations to the children and youth major group for its report. Issues that were discussed included the importance of secure tenure rights, maintaining forests for future generations, the need to recognize education as a means of implementation, the importance of improving communication through effective monitoring and reporting, and the major group initiative proposed by the non-governmental organizations. It was also suggested that the Forum should discuss the valuation of forest services and land tenure rights at its ninth session. The issue of energy poverty was mentioned as it affected developing countries in general and household energy in particular. Other comments included the need to pay attention to the Millennium Development Goal of poverty alleviation, the importance of building partnerships for sustainable forest management, the need to support indigenous and local communities against more powerful actors and the integration of traditional rights in national law. It was pointed out that forests were multifunctional and carbon sequestration should not be taken in isolation. Non-governmental organizations and indigenous peoples responded that it was important to work together for the implementation of the forest instrument and asked member States to support the participation of major groups in the celebration of the International Year of Forests in 2011. They welcomed the participation of major groups in the meetings of the conference of the parties of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, as well as the meetings of the Forum.

Part 2

8. The Director of the Forum secretariat highlighted the important role of major groups in the work of the Forum and in forest decision-making processes. The secretariat outlined its activities related to increasing participation of major groups in the Forum and in reaching out to stakeholders. It was noted that there had been little participation by the local authorities or business and industry major groups in the Forum. The secretariat invited suggestions from the participants on how to secure wider engagement by stakeholders.

9. A joint statement was delivered on behalf of all the major groups participating in the dialogue. The statement highlighted that given the important share of world forests managed by indigenous peoples or as community and family forests, land tenure and ownership rights were a critical foundation for policy and policy tools. The need for equal rights for women and indigenous peoples to access land ownership and other resources was stressed. Major groups called for integration of climate change mitigation and adaptation with timber production, the production of non-timber forest products and environmental services, such as biodiversity conservation or clean water production, which was seen as a long-term solution to achieving sustainable forest management. It was pointed out that that would require capacity-building. Major groups urged the Forum and all forest-related programmes and processes to recognize the rights of indigenous peoples who lived in forests and depended on forests. Those rights were established within international instruments, such as the Declaration on the Rights of Indigenous Peoples, ILO Convention

(No. 169) concerning Indigenous and Tribal Peoples in Independent Countries and the Universal Declaration of Human Rights. Similarly, they called for compliance with the Convention for Elimination of all Forms of Discrimination against Women. Major groups called for a dedicated funding mechanism under the Forum that would be easily accessible to all major groups, and also recommended periodic assessments and reviews of the funding mechanism, involving major groups. Investment in strengthened forest research capacities, particularly in developing countries, was seen as a means to provide technical assistance to major groups. Finally, major groups reminded delegations of their proposal (set out in paragraph 23 of E/CN.18/2009/11) for a major groups initiative which would contribute to subsequent sessions of the Forum as well as those of the Commission on Sustainable Development and the International Year of Forests.

10. Women highlighted the active role of their major group in the development of the non-legally binding instrument on all types of forests. The role of women in planning, decision-making and management of forests was stressed. The need for women to have increased equitable access to all information, education and training, technology and credit for forest resource management was noted. Better arrangements for representing gender perspectives at the Forum were called for. The need to consider agro-forestry, which could give women access to firewood as well as food, was mentioned. Priority areas for sustainable forest management included promoting equal access of women to land ownership and other resources necessary for effective socio-economic participation in forest management and climate mitigation strategies; ensuring compliance with international and national commitments on gender equality and equity, including in the context of climate change mitigation and adaptation; involving women from local communities and women's organizations at all stages and levels of decision-making on new implementation mechanisms; improving forest governance and bringing about changes in forestry institutions to ensure that the process was responsive to poor women's needs, by integrating gender into their structures, policies and programmes; and for the Forum, developing structures and processes that addressed gender issues related to sustainable forest management.

11. The scientific and technological community underlined the importance of science and technology in achieving the global objectives on forests. It was noted that the institutional capacity for sustainable forest management was weak in many developing countries, with little investment in scientific research. Where political upheavals and civil conflict had devastated the capability of countries to manage forests sustainably, there should be funding for rehabilitation programmes that included support for strengthening human resources and facilities. Highlighting the obstacles arising from complex funding application processes, the importance of utilizing national and regional experience in developing programmes and projects was stressed. In addition, it was proposed that a dedicated subsidiary body on science and technology be established, with the principal objective of providing scientific advice to the Forum towards achieving the global objectives on forests.

12. The children and youth major group said that the primary objective of its participation was to promote intergenerational equity in sustainable forest management through education, transfer of knowledge, and securing the right to access natural resources for the younger generations. The major group expected the Forum to send a message to the 2009 United Nations climate change conference on the potential role of forests in mitigating and adapting to climate change; to

emphasize that the significant contribution of sustainable forest management to the mitigation of climate change impacted on forests and related ecosystems, as well as soil and water conservation; to mobilize sufficient resources to implement the forest instrument; and to emphasize the responsibility to use and tend natural resources in a way that did not deprive future generations of their right to meet their own needs. Children and youth asked that reserved funding be dedicated for youth-led and youth-targeted initiatives which promoted peer-education in forestry-based activities. Finally, it was stressed that education was the best legacy to enable intergenerational advancement in sustainable forest management and that "A sustainable future for today's children and future generations is in your hands".

13. Non-governmental organizations pointed out that the main challenge was effective implementation of policies agreed by the Forum and its predecessor bodies. While non-governmental organizations were keen to engage in participatory forums, constraints included financial provision and accreditation rules of the Economic and Social Council. The major group considered that implementation of the forest instrument was blocked by vested interests that controlled the exploitation of forest resources, lack of political will and increasing reliance on market-based solutions. The forest instrument should address the underlying causes of forest loss, including lack of recognition of indigenous peoples' rights, unsustainable consumption and production patterns and unsustainable financial and trade flows. Another serious problem was lack of funding for implementation in developing countries and in countries with economies in transition. Non-governmental organizations and other major groups should have a role in implementing financial mechanisms. The major group also reminded delegations of the views expressed by experts at the Ad Hoc Expert Group to Develop Proposals for the Development of a Voluntary Global Financial Mechanism/Portfolio Approach/Forest Financing Framework, held in Vienna in November 2008, highlighting paragraphs 23, 32, 38, 49, 50 and 52 of the Chair's summary report.

14. Indigenous peoples reaffirmed their special relationship and sacred connection with Mother Earth. They expressed deep concern about unsustainable and false solutions that were accelerating climate variability and risked destroying Mother Earth. Indigenous peoples were experiencing profound and adverse impacts on their cultures, environmental and human health, human rights, traditional lifestyles, food systems, food sovereignty, local infrastructure, economy and survival. They had a historical role as custodians of Mother Earth through their knowledge, spirituality, experience and relationships with their traditional lands. Indigenous peoples who lived in forests depended on them; it was not acceptable to regard forests as carbon alone, without taking into account their multiple values. The mechanisms of the United Nations Collaborative Programme on Reduction of Emissions from Deforestation and Degradation in Developing Countries should recognize the rights enshrined in the international instruments referred to in the joint statement. There should be effective participation of indigenous peoples at all levels in a financial mechanism established by the Forum and they should have direct access to funds.

15. Farmers and small forest landowners highlighted the importance of secure land tenure rights for sustainable forest management, along with good governance, law enforcement, capacity-building and financing. The major group supported the establishment of a global forest fund and considered that it should support secure land tenure and ownership rights; capacity-building, knowledge transfer activities and the consolidation of local organizations and networks; green jobs and rural

livelihoods; the profitability of sustainable forest management, including payments for environmental services, and transparent, accessible and fair markets for forest products; consolidate and expand successful practices already implemented by family and community forests; reduce deforestation and forest degradation, and increase forestation and reforestation; give family and community forestry organizations access to forest-related policy processes at the global, regional, national and local levels; and fight against forest-related corruption, supporting good governance and law enforcement.

16. During the subsequent dialogue between delegations and the representatives of the major groups, a number of delegations provided examples from their countries that highlighted points made by the major groups. Those included experience with implementation of a national plan on reforestation where women were usually the leaders of working groups; problems associated with increasing scarcity of fuelwood and the increased burden that that put on women and their families; progress with protection of indigenous peoples' rights; engagement of local communities; recognition of the important role of non-governmental organizations in promoting and implementing sustainable forest management; and involvement of stakeholders in policy development processes. It was also recognized that agroforestry was an important topic that should be further addressed by the Forum. There was discussion about the need for non-governmental organizations to avoid further fragmentation or duplication of effort by coordinating activities with Governments and working within frameworks established by national forest programmes. There was also discussion about recognizing the distinctiveness of indigenous peoples, as compared to simply regarding them as citizens of their country; in response to that, the representative of the indigenous peoples' major group highlighted the continuing vulnerability of indigenous peoples in many places. Thanking the major groups, the moderator reiterated a suggestion made by a number of delegations about the need to reflect the major groups' contributions in the future work of the Forum.

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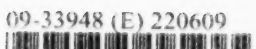

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United Nations

Permanent Forum on Indigenous Issues

Report on the eighth session (18-29 May 2009)

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Permanent Forum on Indigenous Issues

Report on the eighth session
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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Permanent Forum on Indigenous Issues for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
International expert group meeting on the theme "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"

The Economic and Social Council decides to authorize a three-day international expert group meeting on the theme "Indigenous peoples: development with culture and identity; articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples", and requests that the results of the meeting be reported to the Permanent Forum at its ninth session.

Draft decision II
Dates of the ninth session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the ninth session of the Permanent Forum on Indigenous Issues shall be held from 19 to 30 April 2010.

Draft decision III
Provisional agenda for the ninth session of the Permanent Forum

The Economic and Social Council approves the following provisional agenda for the ninth session of the Permanent Forum on Indigenous Issues:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Discussion on the special theme for the year, "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples".
4. Human rights:
   (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
   (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs.
5. Half-day discussion on North America.
6. Comprehensive dialogue with six United Nations agencies and funds.
7. Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues.

8. Draft agenda for the tenth session of the Permanent Forum.

9. Adoption of the report of the Permanent Forum on its ninth session.

B. Matters brought to the attention of the Council

2. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

3. It is the understanding of the Secretariat that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum

Follow-up to the recommendations of the Permanent Forum on economic and social development, indigenous women and the Second International Decade of the World's Indigenous People

Preamble

4. The principles of respect for and protection of the rights of indigenous peoples to self-determination (articles 3 and 32) and development (article 23), including to free, prior and informed consent (article 32), are set out in the United Nations Declaration on the Rights of Indigenous Peoples.[1] The free, prior and informed consent of indigenous peoples must be obtained before investments are made on projects affecting their lands, territories and resources and before such projects are brought into indigenous lands and territories.

5. The Permanent Forum notes the Anchorage Declaration of 24 April 2009.

6. The Permanent Forum has paid particular attention to the significant increase in the infrastructure budget of the World Bank, from $15 billion to $45 billion in 2009, for the primary economies of developing States. The implications of this development in relation to the respect and protection of indigenous peoples' rights have to be clearly understood, and the imperative of getting the free, prior and informed consent of indigenous peoples affected by infrastructure projects has to be guaranteed. The Forum also urges the World Bank to provide additional operational budget to manage this large increase in infrastructure spending. The Permanent Forum reiterates its previous recommendations that the World Bank revise its operational safeguard policies to be consistent with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

7. The Permanent Forum welcomes such initiatives as the indigenous and local community, business and biodiversity consultation, held at United Nations Headquarters in New York on 12 and 13 May 2009, as a useful dialogue between the private sector and indigenous peoples, and encourages further discussions with a view to ensuring the effective implementation of the United Nations Declaration on

[1] General Assembly resolution 61/295, annex.

the Rights of Indigenous Peoples while stimulating community-level businesses based on the sustainable use of biodiversity through such creative partnerships.

8. The Permanent Forum notes that corporations, owing to the pressures on and struggles of indigenous peoples, are currently more willing to consult with communities. However, the lack of full disclosure of information on human rights impacts, including the impact on environmental, social, cultural and spiritual rights, has impeded full protection of the right to free, prior and informed consent. One problem encountered frequently is manufactured consent, which results from negotiating with selected indigenous individuals or specific communities without ensuring that they represent their communities and/or the affected area, creating divisions within the communities. Extractive industries must treat benefit-sharing and/or social programmes as a requisite economic practice.

Economic and social development

9. The Permanent Forum welcomes the measures undertaken by several countries that aim, inter alia, to explore and develop alternative sources of income, significantly reduce the exploitation of natural resources, enhance conservation of biological diversity and establish measures in favour of indigenous peoples in voluntary isolation, such as the national initiative undertaken by Ecuador entitled "Yasuni-ITT initiative". The Permanent Forum recommends that such measures respect the right to free, prior and informed consent of the indigenous peoples concerned.

10. During all of its sessions, the Permanent Forum has issued recommendations on economic and social development. Between the second and seventh sessions, the Forum issued approximately 150 recommendations on economic and social development, including those issued under agenda items on questions other than economic and social development. On a positive note, the Forum highlights that more than half of those recommendations are being implemented.

11. The Permanent Forum has paid particular attention to the participation and representation of indigenous peoples in development processes, such as those related to the Millennium Development Goals, data collection and disaggregation, and urban indigenous peoples and migration. The Forum has recommended on numerous occasions that United Nations agencies, international financial institutions and other development actors change their paradigms and approaches to their work with indigenous peoples. This includes increased mainstreaming of indigenous peoples' issues in their work, respect for the principle of free, prior and informed consent, recognition of collective rights, including treaty rights, and increased participation of indigenous peoples, including women, in programme design, implementation and monitoring.

12. The Permanent Forum supports the conceptual and policy framework proposed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. This framework rests on three pillars: first, the duty of the State to protect against human rights abuses by third parties, including transnational corporations and other business enterprises, through appropriate policies, regulation and adjudication; second, the corporate responsibility to respect human rights, which means acting with due diligence on all matters to avoid infringing on the rights of others; and third, greater access for victims to effective remedies, both judicial and non-judicial.

13. The Permanent Forum supports the work of the Special Representative to urge States to integrate human rights into those areas that most affect business practices, including corporate law, export credit and insurance, investments and trade agreements. The Forum suggests that the Special Representative urge States to ensure that such business practices comply with the relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples. The Forum urges the Special Representative to incorporate the specific views and distinct perspectives of indigenous peoples on social and economic development. Regarding the Americas, corporations must also comply with the rulings of the Inter-American Court of Human Rights, which construe the States' obligations under International Labour Organization (ILO) Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries with regard to the Declaration as extending even to States that have not ratified the Convention. The Forum recommends that this principle be applied in other jurisdictions.

14. The Permanent Forum recommends that transnational corporations and other business enterprises adopt minimum standards consistent with the United Nations Declaration on the Rights of Indigenous Peoples as a requirement of due diligence. This process has four core elements: the existence of a human rights policy; assessment of the impact on human rights of company activities; integration of those values and findings into corporate culture; and tracking of and reporting on performance.

15. The Permanent Forum recommends that in the case of projects affecting indigenous peoples, States ensure that transnational corporations and other business enterprises comply with specific standards contained in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169.

16. The Permanent Forum recommends that, in order to ensure access to effective remedies, States enforce corporate compliance with relevant laws and standards. Transnational corporations and other business enterprises should put into place operational-level grievance mechanisms to provide early warning and help resolve problems before they escalate. Significant barriers to accessing effective judicial and non-judicial remedies persist, and the Forum supports the work of the Special Representative in identifying and proposing ways of eliminating those barriers.

17. The Permanent Forum supports the recommendations of the international expert group meeting on extractive industries, indigenous peoples' rights and corporate social responsibility addressed to extractive industry corporations, States, United Nations agencies, funds and programmes, indigenous peoples, nations and organizations, and international financial institutions, contained in a paper presented to the Forum.[2]

18. The Permanent Forum decides to appoint as Special Rapporteur Victoria Tauli-Corpuz, a member of the Forum, to conduct a study on the impacts of the global economic crisis on indigenous peoples, to identify measures and proposals for Governments and United Nations bodies, agencies, funds and programmes to address the impacts and to report thereon to the Forum at its ninth session, in 2010.

19. The Permanent Forum calls upon States and corporations to fully recognize the presence and effective participation of indigenous peoples in all negotiation

[2] See E/CN.19/2009/CRP.8.

processes relating to the entry of extractive industries, infrastructure projects and other development projects into their communities, consistent with the United Nations Declaration on the Rights of Indigenous Peoples, inter alia, articles 19, 23 and 32. Furthermore, the Forum calls upon all relevant actors to ensure the application of culturally relevant, gender-balanced and gender-based analysis and gender budgeting as critical elements of economic and social development, consistent with articles 21 and 44 of the Declaration.

20. The Permanent Forum calls upon those States which have granted leases, concessions and licences on indigenous peoples' territories for projects related to logging, minerals, oil, gas and water without proper consultation and without respecting the free, prior and informed consent of the indigenous peoples concerned to review those arrangements and to address the complaints raised by indigenous peoples in those territories.

21. The Permanent Forum recommends that patent offices worldwide establish a mechanism whereby, when a patent is requested for a new product or procedure derived from indigenous peoples' resources or traditional knowledge, the origin of this knowledge is made public or otherwise disclosed and that the necessary consultations and negotiations take place with the indigenous peoples concerned.

22. The Permanent Forum commends the inclusion by the European Bank for Reconstruction and Development of free, prior and informed consent in its policy on indigenous peoples, and strongly urges other multilateral and bilateral financial institutions to follow this example. In particular, the Forum calls upon the Asian Development Bank to ensure that free, prior and informed consent and the provisions of the United Nations Declaration on the Rights of Indigenous Peoples are integrated into its revised policy on indigenous peoples. It also calls upon the World Bank and the International Finance Corporation to review their policies and adopt free, prior and informed consent as the central principle in their dealings with indigenous peoples instead of the present free, prior, informed consultation. The international financial institutions should develop a strategy to raise staff awareness at the national and headquarters levels on indigenous peoples' rights and development perspectives and thereby improve their relationships with indigenous peoples at the country level.

23. The Permanent Forum recommends that corporations, regulating bodies and certification bodies incorporate the rights of indigenous peoples in their quality standards, operating plans, business plans and investment plans.

24. The Permanent Forum endorses the recommendations submitted on 8 May 2009 to the fourth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants by the Indigenous Peoples Caucus to increase and ensure the formal participation of indigenous peoples in that process.

25. The Permanent Forum endorses the recommendations of the International Technical Workshop on Indicators Relevant for Indigenous Peoples.[3]

26. The Permanent Forum decides to extend the mandate of the special rapporteurs on indigenous peoples and corporations, Carlos Mamani Condori, Elisa Canqui Mollo and Pavel Sulyandziga, for one year, and requests them to submit a written report to the Forum at its ninth session, in 2010.

[3] See E/C.19/2009/6.

27. The Permanent Forum notes that representatives of extractive industries, although invited, were unable to attend the International Expert Workshop on Indigenous Peoples' Rights, Corporate Accountability and the Extractive Industries, held in Manila from 27 to 29 March 2009. The Forum also notes that the International Council on Mining and Metals is in the process of developing a set of voluntary guidelines for the industry for engagement with indigenous peoples. The Forum invites the Council at the conclusion of the development of the guidelines to forward a copy to the secretariat of the Permanent Forum. The Forum decides to forward a copy of the report of the International Expert Workshop to the International Council on Mining and Metals.

Indigenous women

28. The Permanent Forum recommends that the United Nations Population Fund organize, in coordination with the secretariat of the Forum an international expert workshop on the theme "Indigenous peoples and health, with special emphasis on sexual and reproductive health", and that a report of the expert workshop be submitted to the Forum at its ninth session, in 2010.

29. The Permanent Forum invites the Special Rapporteur on the human rights of migrants to prepare a study on the situation of indigenous women migrants.

30. The Permanent Forum urges States, with the effective participation of indigenous peoples, to address the concomitant loss of community citizenship and human rights when indigenous peoples are forced to migrate or are displaced by violent conflicts, with a particular emphasis on indigenous women.

31. In the context of the United Nations system-wide coherence, in particular gender equality architecture reform, the Permanent Forum recommends that States and the United Nations system ensure the inclusion of the priorities and demands of indigenous women.

32. The Permanent Forum recommends that the Division for the Advancement of Women of the United Nations Department of Economic and Social Affairs guarantee the participation of indigenous women during the 15-year review of the Beijing Declaration and Platform for Action at the fifty-fourth session of the Commission on the Status of Women, in 2010.

33. The Permanent Forum recommends that the Inter-agency Support Group on Indigenous Peoples' Issues convene an international technical expert seminar on indicators of the well-being of indigenous peoples to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Furthermore, the Forum recommends that relevant United Nations bodies and agencies, States and indigenous peoples conduct assessments of the extent to which they have advanced the recommendations of the Forum on indigenous women, utilizing the framework of the Declaration, as set out by the International Indigenous Women's Forum. Action for the immediate implementation of these recommendations is required by all.

Second International Decade of the World's Indigenous People

34. The Permanent Forum recommends that Member States, United Nations agencies and indigenous peoples' organizations engage actively in the midterm

evaluation of the Second International Decade of the World's Indigenous People and submit reports evaluating the implementation of the Decade at the national level.

35. The Permanent Forum recommends that the General Assembly rename the Decade "Second International Decade of the World's Indigenous Peoples".

36. The Permanent Forum recommends that States support the Trust Fund on Indigenous Issues as an important contribution to the implementation of the goal and objectives of the Decade.

37. The Permanent Forum recommends that States and United Nations agencies apply the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples throughout their operational frameworks for implementing the Programme of Action for the Decade, in particular its objective on free, prior and informed consent by indigenous peoples.

38. The Permanent Forum welcomes the fact that the principles and rules contained in the United Nations Declaration on the Rights of Indigenous Peoples have been integrated into the new constitution of the Plurinational State of Bolivia, which was ratified in a referendum held on 25 January 2009.

39. The Permanent Forum recognizes and commends Australia and Colombia for changing their positions by endorsing the United Nations Declaration on the Rights of Indigenous Peoples, and calls upon the remaining States that are opposed to it, as well as those abstaining, to reverse their positions and endorse the Declaration so as to achieve full consensus.

40. The Permanent Forum notes that the United Nations Declaration on the Rights of Indigenous Peoples is a human rights instrument irrespective of the position of individual States, and the Permanent Forum expects that its endorsement will further imply its utilization as an effective guide for domestic public policy law and practice regarding indigenous peoples' rights in consultation and cooperation with indigenous peoples themselves.

41. The Permanent Forum calls upon the United Nations Department of Economic and Social Affairs to publish a comprehensive report on the state of indigenous peoples, similar to the *Human Development Report*, to mark the Decade.

Recommendations of the Permanent Forum on the Arctic

42. The Arctic is an enormous area, sprawling over one sixth of the Earth's land mass, spanning more than 30 million square kilometres and 24 time zones. The region has a population of about 4 million people and is home to over 30 different indigenous peoples who speak dozens of languages. The Arctic is a region of vast natural resources, with a very clean environment compared with most areas of the world.

43. The indigenous peoples of the Arctic depend upon their lands, territories and natural resources, including marine resources, for their material and cultural survival. To survive as distinct peoples, indigenous peoples of the Arctic must be able to own, use, conserve and manage their lands, territories and resources. Although there has been progress in some of the Arctic countries and at the regional level, as far as recognition of indigenous land rights, territories and resources are concerned, there are still many unresolved matters that require urgent attention.

44. Climate change and environmental degradation related to natural resource extraction, such as mining and forestry, constitute great threats to the traditional lifestyles and cultures of indigenous peoples of the Arctic. Climate change has an impact on all aspects of life in the Arctic region, from traditional subsistence activities, including hunting, fishing, reindeer husbandry, farming, gathering and food sovereignty, to community health. The melting permafrost, flooding and storm surges progressively destroy village sanitation, drinking water and other infrastructure in many Arctic communities.

45. As climate change reduces sea ice in the Arctic region, the Arctic seabed is increasingly the subject of competing State claims focused on securing control over resources, estimated to include 25 per cent of the world's undiscovered oil and gas reserves. Increased economic activity in the Arctic is likely to result in further environmental degradation as a result of oil, gas and mineral extractive processes. The resultant increased traffic and pollution, along with the influx of new people, will have an impact on the lives of the indigenous peoples of the region.

46. Indigenous peoples in the Arctic region also face a broad range of challenges regarding economic and social development, human rights, education, health and culture. For example, in relation to development and health, life expectancy is shorter and infant mortality rates are higher among indigenous Arctic residents in Alaska, the United States of America, northern Canada and Greenland when compared with those of non-indigenous residents of Arctic countries. Similarly, indigenous residents of Alaska, northern Canada and Greenland have higher mortality rates from injury and suicide as well as higher hospitalization rates for infants with pneumonia, tuberculosis, meningitis and other respiratory infections.

47. The Permanent Forum notes that the Greenland-Danish Self-Government Commission submitted its report on self-government on 6 May 2008. The main task of the Commission has been to submit draft legislation regarding a self-government arrangement for Greenland. A referendum was held in Greenland on 25 November 2008 concerning the act and the process leading up to its entry into force. The Permanent Forum welcomes the successful passage of the act through the Danish Parliament on 19 May 2009.

48. The Permanent Forum acknowledges the close and growing cooperation among the Arctic States and the indigenous peoples in the Arctic.

49. The Permanent Forum welcomes the International Polar Year initiative to undertake a reindeer herders vulnerability network study which will focus on understanding the adaptive capacity of reindeer pastoralism to climate variability and change. The study, which has been endorsed by the Arctic Council, is being managed by a former chairman of the Permanent Forum, Ole Henrik Magga.

50. The Permanent Forum confirms that the rule of law is a prerequisite for peaceful regional development and recalls that an extensive legal framework applies to the Arctic Ocean, including, notably, the United Nations Convention on the Law of the Sea. This framework provides a foundation for responsible management of this ocean.

51. The Permanent Forum recalls the relevant United Nations resolutions concerning national institutions for the promotion and protection of human rights, including the annex to General Assembly resolution 48/134 (the "Paris Principles"), recognizing the significant role that institutions at the national level can play in

promoting and protecting all human rights and fundamental freedoms and in developing and enhancing public awareness of all human rights and fundamental freedoms.

52. In this connection, the Permanent Forum welcomes the initiative of the Government of Norway to establish the Gáldu Resource Centre for the Rights of Indigenous Peoples. The resource centre will distribute information about human rights and fundamental freedoms of indigenous peoples, in conformity with the spirit of the Paris Principles regarding national institutions for the promotion and protection of the rights of indigenous peoples. The Centre is an independent body, governed by its own board, which includes indigenous peoples.

53. The Permanent Forum urges all Arctic States to endorse and implement the United Nations Declaration on the Rights of Indigenous Peoples.

54. The Permanent Forum urges States with indigenous peoples whose livelihoods and cultures are based upon sea, river and lake fisheries to recognize fishing rights that will build solid foundations for securing and developing local indigenous communities and their cultures.

55. The Permanent Forum urges the Nordic States to ratify, as soon as possible, the Nordic Saami Convention, which could set an example for other indigenous peoples whose traditional territories are divided by international borders.

56. The Permanent Forum urges States to financially resource, empower and support local Arctic indigenous communities in order to give indigenous youth and women, together with other members of the communities, the opportunity to secure and develop their cultures.

57. The Permanent Forum calls upon the Arctic Council to provide the indigenous permanent participants in the Council with adequate financial resources, enabling them to effectively participate in all relevant activities of the Council.

58. The Permanent Forum calls upon the Arctic States to provide financial resources to indigenous peoples of the Arctic for the purpose of building a partnership to enable them to adapt to climate change.

59. The Permanent Forum recommends that the Arctic Council formally engage with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Environment Programme (UNEP) to jointly follow up the International Experts Meeting on Climate Change and Arctic Sustainable Development: scientific, social, cultural and educational challenges (3-6 March 2009 in Monaco).

60. The Permanent Forum calls upon Member States to analyse the compatibility of domestic laws with the United Nations Declaration on the Rights of Indigenous Peoples, in particular with a view to harmonizing laws dealing with Arctic renewable resources upon which indigenous peoples depend, and to include the indigenous peoples of the Arctic in a direct and meaningful way in this analysis.

61. The Permanent Forum recognizes the harm that the recent decision of the European Parliament regarding the seal product import ban may cause Inuit in the Arctic, and calls upon the European Union to rescind this import ban and, failing that, to enter into direct and meaningful dialogue with the Inuit Circumpolar Council to discuss ways of moving forward. Furthermore, the European Union must

make decisions that affect both European and non-European indigenous peoples taking into account their right to free, prior and informed consent.

62. The Permanent Forum welcomes the document of the Commission of the European Communities (COM (2008)), Communication from the Commission to the European Parliament and the Council: The European Union and the Arctic Region, delivered in Brussels on 20 November 2008 and urges the European Union to begin implementing the recommendations relevant to indigenous peoples from this document.

63. The Permanent Forum decides to appoint Lars Anders-Baer, a member of the Permanent Forum, as a special rapporteur to undertake a study to determine the impact of climate change adaptation and mitigation measures on reindeer herding.

64. The Permanent Forum decides to appoint Carsten Smith and Michael Dodson, members of the Permanent Forum, as special rapporteurs to undertake a study about indigenous fishing rights in the seas.

65. The Permanent Forum welcomes the following message from the Indigenous Peoples' Global Summit on Climate Change, held in Anchorage, Alaska, from 20 to 24 April 2009, contained in the Anchorage Declaration: "We offer to share with humanity our Traditional Knowledge, innovations and practices relevant to climate change, provided our fundamental rights as intergenerational guardians of this knowledge are fully recognized and respected. We reiterate the urgent need for collective action".

66. The Permanent Forum calls on UNEP to conduct a fast track assessment of short-term drivers of climate change, specifically black carbon, with a view to initiating negotiation of an international agreement to reduce emissions of black carbon.

67. The Permanent Forum notes that various United Nations treaty bodies have repeatedly called on the Governments of Finland and Sweden to clarify and affirm the Sámi people's rights to land and fishing, including hunting and reindeer grazing rights. The Forum urges Finland and Sweden to take action in accordance with these recommendations, without further delay. The Permanent Forum further calls on Norway to reach an agreement with the Sámi Parliament on the draft mineral act.

Future work of the Permanent Forum

68. The Permanent Forum welcomes the study entitled "Indigenous peoples and boarding schools: a comparative study"[4] prepared by a consultant for the secretariat of the Forum and requests that it be made available as a document of the ninth session of the Forum in all official languages of the United Nations and that it be widely disseminated. The Forum decides in particular to transmit the study to UNESCO, the United Nations Children's Fund (UNICEF), the Special Adviser of the Secretary-General on the Prevention of Genocide, the Special Rapporteur on the right to education, the Human Rights Council expert mechanism on the rights of indigenous peoples, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

[4] E/C.19/2009/CRP.1.

69. The Permanent Forum welcomes the global Stop TB Partnership, which is housed within the World Health Organization (WHO). It urges the Partnership to ensure that indigenous peoples' concerns are fully included and that they participate in the decision-making body in implementing programmes and projects.

70. The Permanent Forum notes the First World Indigenous Nations Sports Congress that was held in Winnipeg, Canada, on 9 November 2008 with the support of the members of the Permanent Forum on Indigenous Issues, the World Indigenous Nations Games and Sports Manitoba. The Permanent Forum supports the plan to hold the first World Indigenous Nations Games, which will include contemporary sports and traditional games of indigenous peoples, to be held in Winnipeg, Canada, in 2012.

71. The Durban Review Conference welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which should be used to combat racism against indigenous peoples. The Permanent Forum on Indigenous Issues decides to have a half-day session on the theme "Addressing the elimination of racism against indigenous peoples". This session will be held during the 2011 meeting of the Permanent Forum.

72. The Permanent Forum welcomes the convening by UNICEF, the International Labour Organization (ILO), UNESCO, the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, the Indigenous Programme of the Spanish Agency for International Development Cooperation, and the indigenous peoples and organizations throughout Latin America in the regional meeting on child labour, to be held in Lima in November 2009. The objective of the meeting is to address within the framework of the United Nations Declaration on the Rights of Indigenous Peoples challenges that are faced by children regarding the worst forms of exploitation and the violation of the rights of children.

73. The Permanent Forum welcomes the organization of a workshop by the Indigenous Peoples' Centre for Documentation, Research and Information in recognition of the historical role played by indigenous peoples within the United Nations system.

74. The Permanent Forum recommends the proposal by the International Fund for Agricultural Development and other organizations to hold an expert workshop on the contribution to development of pastoralist cultures and hunting and gathering societies.

75. The Permanent Forum takes note of the impending refurbishment of the United Nations Headquarters building and recommends to the Economic and Social Council that it decide the venue of the ninth session of the Permanent Forum for spring 2010 and an appropriate location, taking into account the requirements of the Forum's sessions, such as high participation of States, indigenous peoples' organizations, civil society, the United Nations system and intergovernmental organizations.

76. The Permanent Forum welcomes the adoption of General Assembly resolution 63/278, by which the Assembly established International Mother Earth Day and embraced indigenous peoples' and Member States' recommendations regarding the need to promote humankind living in harmony with nature. Therefore, the Forum decides to appoint Carlos Mamani Candori and Bartolome Clavero, members of the Forum, as special rapporteurs, to conduct a study, without financial implications, on its implementation, taking into account, inter alia, the consideration

and recognition of Mother Earth rights and submit a report to the ninth session of the Forum in 2010.

77. The Permanent Forum recommends that WHO conduct a study on the health effects on indigenous peoples throughout the world caused by uranium mining, dumping of radioactive waste and nuclear testing on indigenous held lands and territories, and provide a report to the ninth session of the Forum in 2010.

78. The Permanent Forum decides to appoint as Special Rapporteur Tonya Gonnella Frichner, a member of the Forum to conduct a preliminary study on the impact on indigenous peoples of the international legal construct known as the Doctrine of Discovery, which has served as the foundation of the violation of their human rights, and to report thereon to the Forum at its ninth session, in 2010.

Follow-up to the recommendations of the Permanent Forum on Indigenous Issues on implementation of the United Nations Declaration on the Rights of Indigenous Peoples and on dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs

79. Pursuant to article 38 of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum reiterates its invitation to States to provide the Permanent Forum with substantive information on the implementation of the Declaration and an assessment of the effectiveness of the Declaration at the national and local levels.

80. The Permanent Forum strongly supports the position expressed in the outcome document of the Durban Review Conference that States should take all necessary measures to implement the rights of indigenous peoples.

81. The Permanent Forum recommends that States incorporate adequate information on the implementation of the Declaration in their core reports to the human rights treaty bodies.

82. The Permanent Forum recommends that the relevant treaty bodies take into account the Declaration and urges States to include information regarding its implementation in their reports to the universal periodic review of the Human Rights Council.

83. The Permanent Forum recommends that States establish, where it does not already exist, a national dialogue with indigenous peoples on human rights, based on the Declaration.

84. The Permanent Forum recommends that the Secretary-General provide adequate human and financial resources for the purpose of meeting the requirements of articles 41 and 42 of the Declaration as they apply to the Permanent Forum.

85. The Permanent Forum recommends that all United Nations agencies, funds and programmes, as well as the African Commission on Human and Peoples' Rights, integrate relevant provisions of the Declaration into their policies, programmes, projects and strategies.

86. The Permanent Forum recommends that States support the creation of indigenous language and cultural studies centres in universities and encourage universities to provide permanent teaching positions for indigenous peoples in those

study centres; urges States to adopt a policy of free university tuition for all indigenous peoples; encourages those universities that have not already done so to establish designated places and scholarships for indigenous students; and encourages UNESCO to support those initiatives where applicable.

87. The Permanent Forum adopts general comment No. 1 (2009), entitled "Article 42 of the United Nations Declaration on the Rights of Indigenous Peoples".[5]

88. The Permanent Forum recommends that all States apply the principles of general comment No. 11 (2009) of the Committee on the Rights of the Child, entitled "Indigenous children and their rights under the Convention".

89. The Permanent Forum recognizes the cultural significance and medical importance of the coca leaf in the Andean and other indigenous regions of South America. It also notes that coca leaf chewing is specifically banned by the United Nations Single Convention on Narcotic Drugs (1961). The Permanent Forum recommends that those portions of the Convention regarding coca leaf chewing that are inconsistent with the rights of indigenous peoples to maintain their traditional health and cultural practices, as recognized in articles 11, 24 and 31 of the Declaration, be amended and/or repealed.

90. The Permanent Forum takes note of the 2009 report of the ILO Committee of Experts on the Application of Conventions and Recommendations, particularly the general observation, and the nine individual observations on implementation of ILO Convention No. 169 on indigenous and tribal peoples. The Forum welcomes the increased attention paid by the Committee to ILO Convention No. 169 and calls upon the Committee to fully incorporate the United Nations Declaration on the Rights of Indigenous Peoples in its individual observations as a source of interpretation of the Convention.

91. The Permanent Forum notes that the observations adopted by the Committee of Experts incorporate relevant parameters for the implementation of the Convention by States parties in good faith. The Permanent Forum also observes that in some instances, the Committee demanded that State parties provide additional reports for the Committee at its eightieth, in 2009, session, instead of in 2013, as originally planned. Those requests for advanced reports illustrate that, in a number of countries, serious obstacles still exist in relation to the enjoyment of indigenous peoples' fundamental rights, as affirmed in ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

92. In this connection, and in respect of articles 41 and 42 of the Declaration, the Permanent Forum trusts that, at its ninety-eighth session, in 2009, the Conference Committee on the Application of Standards of the International Labour Conference will pay due attention to the cases of violation of ILO Convention No. 169, which have been signalled by the Committee of Experts, in the light of the Declaration, and urges States to respond promptly to the reports of the Committee of Experts.

93. The Permanent Forum recommends that an appropriate form of coordination should be explored between the Committee of Experts and the Forum regarding the implementation of ILO Convention No. 169. The Permanent Forum reiterates the need for a mechanism of coordination to also be established between the ILO supervisory mechanisms and indigenous peoples, which may include the

[5] E/C.19/2009/L.3, annex.

establishment of an ad hoc committee consisting of indigenous representatives or experts.

94. The Permanent Forum notes the mission to Bolivia and Paraguay and thanks the Governments of both countries for their invitations. This mission came about following the Forum's recommendation regarding the situation of forced labour of Guarani communities at its seventh session. The Permanent Forum welcomes the mission as a good practice and decides to publish the reports of the mission as official documents. The Forum urges United Nations country teams to follow up the recommendations of these reports and suggests to the relevant Governments that they report on the implementation of these recommendations at the ninth session of the Forum in 2010.

95. The Permanent Forum commends the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people for his efforts on behalf of indigenous peoples around the world and recommends that he continue his work in conformity with the principles he has established.

96. The Permanent Forum welcomes cooperation with the Special Rapporteur and the Human Rights Council expert mechanism on the rights of indigenous peoples, which is to be conducted in order to ensure maximum complementarity of efforts.

97. The Permanent Forum calls on States to consult with indigenous peoples in a manner that fully respects their obligations under the Declaration and fully responds to the goals, needs and rights of indigenous peoples in the development and design of relevant legislation.

98. The Permanent Forum reiterates its previous recommendations that those States that have not already done so adopt or endorse, where applicable, the Convention on the Rights of the Child, ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

99. The Permanent Forum welcomes the effort of the Association of Southeast Asian Nations (ASEAN) to establish a regional human rights mechanism and offers its expertise and cooperation in this matter. The Forum recommends that the mechanism be called the "ASEAN Human Rights Commission" and that the commission explicitly recognize indigenous peoples in its terms of reference. We look forward to a strong commission with full investigatory and implementation powers, which uses the United Nations Declaration on the Rights of Indigenous Peoples as its framework in dealing with indigenous peoples' issues. The Forum also recommends that the commission establish a committee on indigenous peoples in addition to its proposed committees on migrant workers and women and children.

100. The Permanent Forum joins international concern regarding violent actions by some States against indigenous peoples for asserting their customary rights to their lands and territories.

Chapter II
Venue, dates and proceedings of the session

101. By its decision 2008/250, the Economic and Social Council decided that the eighth session of the Permanent Forum on Indigenous Issues would be held at United Nations Headquarters from 18 to 29 May 2009.

102. At its 1st to 4th meetings, on 18 and 19 May 2009, the Permanent Forum considered agenda item 3, entitled "Follow-up to the recommendations of the Permanent Forum: (a) Economic and social development; (b) Indigenous women; (c) Second International Decade of the World's Indigenous People". At its 16th and 17th meetings, on 29 May 2009, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chapter I, section B).

103. At its 5th and 6th meetings, held on 20 and 21 May, the Forum considered agenda item 4, entitled "Human rights": (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples, (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs.

104. At its 7th meeting on 21 May, the Permanent Forum considered item 5, entitled "Half-day discussion on the Arctic". At its 16th and 17th meetings, on 29 May, the Forum considered and adopted its recommendations submitted under agenda item 5 (see chapter I, section B).

105. At its 8th to 11th meetings, on 22 May and 26 May, the Forum considered agenda item 6, entitled "Comprehensive dialogue with six United Nations agencies and funds". Presentations were made by the representatives of the Office of the United Nations High Commissioner on Human Rights; the Food and Agricultural Organization of the United Nations; the International Fund for Agricultural Development; the United Nations Development Programme; the United Nations Population Fund; and the Department of Economic and Social Affairs.

106. At its 12th and 13th meetings, on 27 May, the Forum considered agenda item 7, entitled "Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues". At its 16th and 17th meetings, on 29 May, the Forum considered and adopted its recommendations submitted under agenda item 7 (see chapter I, section B).

107. At its 14th and 15th meetings, on 28 May, the Forum considered agenda item 8, entitled "Draft agenda for the ninth session of the Permanent Forum". At its 17th meeting, on 29 May, the Forum considered and adopted, as orally amended, its draft decision submitted under agenda item 8 (see chapter I, section A, draft decision III).

Chapter III

Adoption of the report of the Permanent Forum on its eighth session

108. At its 16th and 17th meetings, on 29 May, the Rapporteur introduced the draft decisions and recommendations as well as the draft report of the Permanent Forum on Indigenous Issues on its eighth session.

109. At the 17th meeting, on 29 May, the Permanent Forum adopted the draft report, as orally amended.

Chapter IV
Organization of the session

A. Opening and duration of the session

110. The Permanent Forum held its eighth session at United Nations Headquarters from 18 to 29 May 2009. It held 17 formal and 1 closed meetings to consider items on the agenda and seven informal meetings for consultations among members of the Forum.

111. At its 1st meeting, on 18 May, the eighth session was opened by the Assistant Secretary-General for the Department for Economic and Social Affairs and Special Adviser of the Secretary-General on Gender Issues and Advancement of Women. At the opening ceremony, Tododaho Sid Hill, Chief of the Onondaga Nation, delivered the welcome address. Also, a ceremonial recognition of indigenous women was held.

112. At the same meeting, the President of the General Assembly made a statement. Statements were made by the Deputy Secretary-General of the United Nations, the Assistant Secretary-General for the Department for Economic and Social Affairs and Special Adviser of the Secretary-General on Gender Issues and Advancement of Women, and Kim Morf, great-granddaughter of Chief Deskaheh of the Haudenosaunee Nation who addressed the League of Nations in 1923.

113. Also at the first meeting, a statement was made by Victoria Tauli-Corpuz, Chairperson of the eighth session of the Forum.

B. Attendance

114. Members of the Forum and representatives of Governments, United Nations entities, intergovernmental organizations and bodies and non-governmental and indigenous organizations attended the session. The list of participants is contained in E/C.19/2009/INF/2.

C. Election of officers

115. At its 1st meeting, on 18 May, the Forum elected the following members of the Bureau by acclamation:

Chairperson:
Victoria **Tauli-Corpuz**

Vice-Chairpersons:
Tonya Gonella **Frichner**
Margaret **Lokawua**
Elisa Canqui **Mollo**
Pavel **Sulyandziga**

Rapporteur:
Michael **Dodson**

D. Agenda

116. At its 1st meeting, on 18 May, the Forum adopted the provisional agenda as contained in document E/C.19/2009/1.

E. Documentation

117. A list of the documents before the Forum at its eighth session is contained in document E/C.19/2009/INF/1.

Annex

General comments to the follow-up to the recommendations of the Permanent Forum on Indigenous Issues on implementation of the United Nations Declaration on the Rights of Indigenous Peoples and on dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs

"Article 42 of the United Nations Declaration on the Rights of Indigenous Peoples"

Article 42 as basis for a new function

1. The purpose of the United Nations Declaration on the Rights of Indigenous Peoples is to constitute the legal basis for all activities in the areas of indigenous issues. The task of the Permanent Forum on Indigenous Issues in the years to come, following the historical adoption of the Declaration by the General Assembly on 13 September 2007, will be to act within its capacity to transform the Declaration in its entirety into living law. Implementation to the living law will have been fulfilled when the indigenous peoples achieve practical results on the ground.

2. The Declaration has built a new foundation for the rights of indigenous peoples. At the same time, the Forum was assigned an extended mandate with a new function based on article 42, which stipulates that:

> The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

3. The goal of this general comment is to determine and detail, to some extent, what the obligations of the Forum are, as laid down in article 42 of the Declaration and how the Forum can fulfil those obligations. In order to determine and detail such obligations and actions, one must clarify the legal understanding of the article. This must be discussed on the basis of the status of the Declaration as an international law instrument of a human rights character.

4. The Forum is the only United Nations body expressly mentioned in the article. This wording emphasizes that the Forum, as a United Nations body particularly created for indigenous issues, has a responsibility to realize the purpose of the article.

5. The Forum was established pursuant to Economic and Social Council resolution 2000/22. As an advisory body to the Economic and Social Council, the Forum has so far had six mandated areas, namely indigenous issues related to economic and social development, culture, environment, education, health and human rights. Even though the Forum is a subsidiary body of the Council, the General Assembly can, as the global body within the United Nations system, extend and strengthen the mandate of the Forum. Article 42 introduces a new function and responsibility, which should be read in the light of the article as a source of international law.

The legal character of the Declaration

6. The Declaration is the most universal, comprehensive and fundamental instrument on indigenous peoples rights. It is the legal framework of the Forum, together with resolution 2000/22 of the Economic and Social Council. The Declaration is not a treaty and it accordingly does not have the binding force of a treaty. However, this does not at all mean that the Declaration is without any legally binding effect. The adoption of any human rights instrument by the United Nations aspires to some binding force. The binding value of the Declaration must be seen in the wider normative context of the innovations that have taken place in international human rights law in recent years.

7. The Declaration forms a part of universal human rights law. The basic principles of the Declaration are identical to those of the main human rights covenants. In this way the Declaration affirms, in its article 3, the right of indigenous peoples to self-determination, in terms that restate the common provisions of article 1 of the two 1966 international covenants. The human rights treaty bodies will need to refer to the Declaration, as their practice already indicates, whenever dealing with indigenous rights. The Declaration is not the instrument of a specialized agency that binds only the State parties, but is a general instrument of human rights.

8. The Declaration is a human rights standard elaborated upon the fundamental rights of universal application and set in the cultural, economic, political and social context of indigenous peoples. It should be applied on this basis regardless of how each State voted in the General Assembly or their subsequent position. One may debate how many of the specific rights in the Declaration are human rights according to the core human rights instruments. The human rights nature of the Declaration, seen as a whole, is certainly so marked; this should be a main element when interpreting the document and when deciding the working methods of the Forum in the context of article 42.

9. The Declaration is an instrument having been drafted through a procedure that has conferred upon it a special status as a declaration. It was developed during a decade of negotiations between representatives of States and representatives of indigenous peoples, "negotiations" being a word used several times by State representatives. This long-lasting procedure resulted in a document expressing a broad common ground, which has now also been endorsed by the General Assembly. Even though it is not formally an agreement, in reality, the document is by way of its creation an instrument almost universally agreed upon. In this way, the Declaration is part of a practice that has advanced a growing "rapprochement" between declarations and treaties.

10. The various articles may be part of binding international law, based on other instruments or customs, independent of their inclusion in the Declaration. The human rights envisaged in the Declaration are the same human rights that have been recognized for the rest of humankind, but there has been no need to produce a special declaration on the rights of non-indigenous peoples. A number of the articles are based on the human rights covenants and other conventions, or they may already today have the quality of customary law by virtue of policies implemented in national jurisdictions. As expressions of international customary law, they must be applied regardless of the nature of the document in which they are stated or agreed.

11. The voting of the General Assembly, which proves that a great majority of the international community stands behind the Declaration, is a significant factor when determining the legal strength of the Declaration. Article 38 of the Statute of the International Court of Justice, stating the sources of international law that the Court shall apply, includes among them "the general principles of law recognized by civilized nations". The Declaration is formulated on "principles of law", having "rights" as the main concept, and the worldwide adherence to the Declaration, with the small and shrinking group of negative States, may soon be considered as a fulfilment of the criterion of the "civilized nations".

12. The combined effect of these elements gives the Declaration a growing legal status. It might be argued that the Declaration in its entirety already has acquired the status of being part of binding international law. In any way, this is the case already for a number of the articles.

13. The understanding of the Declaration here described shall form the basis on which the Forum is going to undertake its activities. The Forum has already included an item on the Declaration on its agenda.

The effect of article 42

14. This new function assigned to the Forum pursuant to article 42 is far-reaching. The formulas of the provision are of a twofold nature.

15. In the first place, the Forum shall promote not only respect for but also "full application" of the Declaration. This implies that the Forum shall work to promote the incorporation of the Declaration into national legislation as well as its application in the national courts and administrative decisions of the various countries.

16. Second, the Forum shall follow up "the effectiveness" of the Declaration, that is, to see whether the realities ("law in action") are in conformity with the written law and decisions ("law in books"), and if not, take necessary actions to close the implementation gap.

17. This new and extensive responsibility does not, in the wording of the article, correspond with any authority to accomplish what is required in this regard. The authority of the Forum will accordingly have to be decided by way of a reading of article 42 on the basis of the Declaration as a whole. In this process of interpretation one has to rely on some principles or guidelines that are within the spirit of the Declaration.

18. Some accepted guidelines for interpretation will in this case be the workings of the Forum so far, the purpose of article 42 and the normal way of protecting human rights within the United Nations system.

19. The present working arrangement of the Forum has to be a starting point for the reading of the new article. The purpose of article 42 is to contribute to the effectiveness of the Declaration, and the reading of the Article should therefore give preference to working methods for the Forum that are oriented towards substantial results for the indigenous peoples as rights holders. Looking to the normal way of protecting human rights within the United Nations system will also find support in the wording of the article, where the Forum is placed on a par with other bodies of the United Nations.

20. When the Permanent Forum develops working methods for fulfilling its new article 42 responsibility, one should accordingly look to the system established for other rights of a human rights character. The treaty bodies of the human rights conventions should be regarded as models for the Forum.

21. This interpretation implies an authority to arrange dialogues with States regarding application of the Declaration and, thereafter, to follow up on its effectiveness by making conclusions relating to each State's behaviour in the context of the Declaration, containing criticism on implementation gaps and demands for reforms. This interpretation furthermore implies that States have a duty to respond to a demand by the Forum for dialogue on the Declaration. Article 42 does not expressly empower the Forum to summon States to appear in the meetings of the Forum and answer the questions put by the members. The Forum may accordingly decide for practical and political reasons not to put this conclusion to the test in the beginning and, rather, advance along a voluntary road in relation to the States.

22. These dialogues should have information provided by Governments on their national policies and practices as a principal basis. Creative ways should be developed for the substantive preparation of dialogues, such as dispatching to States a questionnaire regarding implementation. Such reports on indigenous peoples will need to be produced according to article 38 of the Declaration, in consultation and cooperation with indigenous peoples. Information from indigenous peoples organizations, from various non-governmental organizations and from Forum members must also be included as important supplementary material. The aim would be to organize a formally structured and substantially constructive dialogue followed by concluding remarks from the Forum.

23. The Forum shall integrate the Declaration into its recommendations on the six substantive mandated areas of its work as well as in its work under the special theme for the relevant sessions and its ongoing themes and priorities. In doing so, the Forum should consider not only the articles of the Declaration but also the preambular paragraphs.

24. The Forum shall, as one of the three United Nations mechanisms with specific mandates to address indigenous peoples, collaborate and coordinate its work with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, and with the Expert Mechanism on the Rights of Indigenous Peoples, in order to ensure maximum complementarity of efforts. These three mechanisms have the challenge of promoting the application and the effectiveness of the Declaration throughout the bodies and agencies of the United Nations.

25. The Forum shall, according to article 42, look to the Declaration as a set of superior norms that ought to be effectively applied in all national jurisdictions. Thereby, the Declaration will gain in the workings of the Forum a superior status in relation to national law. Moreover, it is the duty of the Forum to spread this view all over the world.

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